

Whitney, Thompson & Jeffcoach LLP  
Mandy L. Jeffcoach, #232313

[mjeffcoach@wtjlaw.com](mailto:mjeffcoach@wtjlaw.com)

William H. Littlewood, #202877

[hlittlewood@wtjlaw.com](mailto:hlittlewood@wtjlaw.com)

Jaskarn S. Chahal, #348641

[jchahal@wtjlaw.com](mailto:jchahal@wtjlaw.com)

970 W. Alluvial Ave.

Fresno, California 93711

Telephone: (559) 753-2550

Facsimile: (559) 753-2560

Attorneys for JESUS CHAVEZ, SR.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

YELLOWCAKE, INC., a California  
corporation,

Plaintiff,

v.

HYPHY MUSIC, INC.,

Defendant.

HYPHY MUSIC, INC.,

Cross-Complainant,

v.

YELLOWCAKE, INC.; COLONIZE MEDIA,  
INC.; JOSE DAVID HERNANDEZ; and  
JESUS CHAVEZ SR.,

Cross-Defendants.

Case No. 1:20-CV-00988-AWI-BAM

**DECLARATION OF JESUS CHAVEZ, SR.  
IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

Date: September 29, 2023

Time: 9:00 a.m.

Ctrm.: 4

The Hon. District Jennifer L. Thurston

I, Jesus Chavez, Sr., declare as follows:

I. I am a party in the above-entitled action. If called as a witness, I would and could competently testify to all facts stated herein from my personal knowledge except where stated upon information and belief and, as to these matters, I am informed and believe them to be true.

2. I am the founder and principal of the band Los Originales de San Juan. I founded the Band in approximately 1987 and it has recorded approximately 39 albums and over 900 songs.

3           3.       In or around 2013, I entered into an oral distribution agreement with Counterclaimant  
4 pursuant to which Counterclaimant agreed to distribute three albums to be recorded by the Band.

4. Between September 2013 and sometime in 2015, the Band has recorded the following six albums: (i) Los Originales de San Juan – El Campesino; (ii) Los Originales de San Juan – Corridos de Poca M; (iii) Los Originales de San Juan – En Vivo Desde La Cantina de Mi Barrio; (iv) Los Originales de San Juan – Nuestra Historia En Vivo; (v) Los Originales de San Juan – Amigos y Contrarios; and (vi) Los Originales de San Juan – Naci Con Suerte de Rey Con Mariachi (the “Albums”) which were subsequently distributed by Counterclaimant HYPHY MUSIC, INC. (“Counterclaimant”).

12           5.       I have never been employed by Counterclaimant and do not have a written work for  
13 hire agreement with Counterclaimant.

14           6.       I never entered into a written agreement with Counterclaimant agreeing to sell the  
15   entirety of all rights, title, and interest in the Albums to Counterclaimant.

7. In or around 2019, I sold the entirety of all rights, title, and interest in the Albums to Counter-Defendant YELLOWCAKE, INC. ("Yellowcake") pursuant to a written agreement.

18           8.       During that same time period, I advised Counterclaimant of my sale to Yellowcake  
19   to ensure that Counterclaimant would stop distributing the Albums that were subject to our oral  
20   agreement.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing  
22 is true and correct and that this Declarations was executed on this 14 day of July, 2023, at Fresno.  
23 California.

JESUS CHAVEZ  
Jesus Chavez, Sr.